

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON WILLIAM POLK,

Defendant.

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4:10CR3053

MEMORANDUM AND ORDER

The defendant has moved to continue the pretrial motion deadline currently set for December 20, 2010. Filing No 55. Defense counsel explains that he has been advised that additional discovery is developing and he needs additional time to review it. The government does not oppose the requested continuance. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 57), is granted and the defendant's pretrial motions and briefs shall be filed on or before February 4, 2011.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between December 20, 2010 and February 4, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

December 20, 2010.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge